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| EXAMINER |
|---|
| LEE, RICHARD J |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2613 | |

DATE MAILED: 11/30/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

| Application No. | Applicant(s) |
|---|---|
| 08/800,574 | Riffee |
| **Examiner** | **Art Unit** |
| Richard Lee | 2613 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-30 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-30 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15) ☒ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
18) ☒ Interview Summary (PTO-413) Paper No(s). 17
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other:

1. In view of the telephone conversion with Mr. Laurence Roach on October 25, 2001 (see Interview Summary, Paper no. 17), the finality of the last Office Action dated August 23, 2001 has been withdrawn and prosecution is hereby reopened. The Examiner apologizes for any inconvenience that this may have caused for the applicant.

2. Claims 19-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For examples:

(1) claim 19, line 6, before "video", "digital" should be properly inserted in order to provide proper antecedent basis for the same as specified at line 5;

(2) claim 19, line 13, "the audio digital signals" should be changed to "the digital audio signals" in order to provide proper antecedent basis for the same as specified at line 12;

(3) claim 19, lines 14-15, "audio digital signals" should be changed to "the digital audio signals" in order to provide proper antecedent basis for the same as specified at line 12;

(4) claim 22, lines 1-2, "the power supply" shows no clear antecedent basis;

(5) claim 29, line 4, before "video", "digital" should be properly inserted in order to provide proper antecedent basis for the same as specified at lines 3-4;

(6) claim 29, line 9, "the audio digital signals" should be changed to "the digital audio signals" in order to provide proper antecedent basis for the same as specified at lines 8-9;

(7) claim 29, line 10, "audio digital signals" should be changed to "the digital audio signals" in order to provide proper antecedent basis for the same as specified at lines 8-9; and

(8) claim 29, line 18, "the audio digital signal processor" should be changed to "the third digital signal processor" in order to provide proper antecedent basis for the same as specified at line 8.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-6, and 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuzma of record (5,389,965) in view of Yurt et al (6,002,720) and Paneth et al of record (5,119,375).

Kuzma discloses a video telephone station having variable image clarity as shown in Figures 1 and 5, and substantially the same narrowband video codec as claimed in claims 1-6 and 9-18 for generating an output stream of control, data, and error correction bits, the video codec comprising substantially the same means for framing the output control and data bits into a series of sequential frames of bytes wherein each frame comprises an identical sequence of bytes, each frame comprising, in sequence two control bytes, a plurality of sequential sets of data bytes, each set of data bytes comprising a sequence of at least one audio byte, and a plurality of error correction bytes (see Figure 4 and columns 5-7); the control bytes include data bit signals

representative of the number of bytes in the frame (see Figure 4 and columns 5-7); means for periodically refreshing the decompressed video image (see Figure 2); and means for controlling the level of error correction without re-transmitting corrupted data (see columns 5-7).

Kuzma does not particularly disclose, though, the followings:

(a) the frame including for each set of data bytes comprising a sequence of at least one audio byte and a plurality of video bytes, at least one of the plurality of video bytes between each sequential audio byte, each set of data bytes having its audio and video bytes in the same order as each other set of data bytes, each set of data bytes has the same number of video bytes between sequential audio bytes as claimed in claims 1 and 2;

(b) the transmission of the series of sequential frames of bytes over an rf frequency, and wherein the frames are synchronized to the data rate of the rf link as claimed in claims 1 and 6; and

(c) each frame comprises 200 bytes, 180 data bytes and 18 error correction bytes; each frame comprises 150 video bytes and 30 audio bytes; wherein each sequential audio bytes are separated from each other by five, eleven, or two video bytes; wherein each frame comprises 165 video bytes and 15 audio bytes; wherein each frame comprises 40 bytes, 18 data bytes, and 20 error correction bytes; wherein each frame comprises 12 video bytes and 6 audio bytes; wherein each frame comprises 15 video bytes and 3 audio bytes as claimed in claims 9-18.

Regarding (a), Yurt et al discloses an audio and video transmission and receiving system as shown in Figures 1 and 8, and teaches the conventional framing (see Figures 8c, 8d) of the

output data bits comprising a sequence of at least one audio byte and a plurality of video bytes, at least one of the plurality of video bytes between each sequential audio byte, each set of data bytes having its audio and video bytes in the same order as each other set of data bytes, and wherein each set of data bytes has the same number of video bytes between sequential audio bytes (i.e., by framing of audio and video data as shown in Figure 8d based on the realignment of audio and video data and user addressing of the data, this thereby provides the plurality of video bytes between each sequential audio byte and wherein each set of data bytes has the same number of video bytes between sequential audio bytes, see column 7, line 60 to column 14, column 18, line 46 to column 19, line 12). Therefore, it would have been obvious to one of ordinary skill in the art, having the Kuzma, Yurt et al, and Paneth et al references in front of him/her and the general knowledge of framing data bits, would have had no difficulty in providing the audio and video bytes within a frame as the specific type of framing structure within the video codec of Kuzma for the same well known purposes as claimed.

Regarding (b), Paneth et al discloses a subscriber RF telephone system as shown in Figure 2, and teaches the conventional RF transmission of video data to/from stations (see column 1, lines 29-39) as well as the synchronization of frames (i.e., as provided by Yurt et al, see column 7, lines 14-21 and Figure 8 of Yurt et al) to the data rate of the rf link of Paneth et al (see column 10, lines 36-41 of Paneth et al). Therefore, it would have been obvious to one of ordinary skill in the art, having the Kuzma, Yurt et al, and Paneth et al references in front of him/her and the general knowledge of RF transmission, would have had no difficulty in providing the RF

transmission of video data as well as the synchronization of frames for transmission over the rf link as taught by Paneth et al and Yurt et al for the video telephone system of Kuzma for the same well known transmission purposes as claimed.

Regarding (c), it is noted that even without specific disclosure by Kuzma concerning the number of bytes for each frame, data, and error correction, and the separation of sequential audio bytes, it is considered obvious that such values for the number of bytes and the separation of sequential audio bytes by a certain number of video bytes as claimed may obviously be provided by one of ordinary skill in the art. Without specific criticality of such byte values and the number of video bytes to be provided to separate the audio bytes, such limitations are being considered met or provided by one skilled in the art in the particular processing of the audio and video bytes within the packet transmission of the video telephone of Kuzma. Therefore, it would have been obvious to one of ordinary skill in the art, having the Kuzma, Yurt et al, and Paneth et al references in front of him/her and the general knowledge of the allocation of audio and video bytes, would have had no difficulty in providing any desired number of video and audio bytes with any number of video bytes to separate the audio bytes in the processing of data for the video telephone system of Kuzma for the same well known purposes as claimed.

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kuzma, Yurt et al, and Paneth et al as applied to claims 1-6 and 9-18 in the above paragraph (4), and further in view of Schillaci et al of record (5,583,912).

The combination of Kuzma, Yurt et al, and Paneth et al show substantially the same narrowband video codec as above, but does not particularly disclose a battery power supply with power supply voltage between 18 and 36 volts as claimed in claims 7 and 8. However, Schillaci et al discloses a wireless wireline communication selection mechanism resident in craftsperson's portable test and communications device as shown in Figures 1 and 2, and teaches the conventional use of a battery power supply for the communications system (see column 2 and Figure 2). Therefore, it would have been obvious to one of ordinary skill in the art, having the Kuzma, Yurt et al, Paneth et al, and Schillaci et al references in front of him/her, would have had no difficulty in providing the battery power supply as taught by Schillaci et al with any desired power supply voltage including between the 18-36 volts as claimed for the video telephone system of Kuzma for the same well known purposes as claimed.

6. Claims 19, 20, and 23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuzma in view of Peters of record (5,577,190) and Rostoker et al (5,784,572).

Kuzma discloses substantially the same narrowband video codec for transmitting and receiving compressed video and audio data signals as claimed in claims 19, 20, and 23-30, comprising a first digital signal processor for converting analog video signals into digital video signals and for compressing the video signals into video bytes (i.e., within 500 of Figure 2 and see

column 5, lines 1-42); a second digital signal processor for decompressing received digital video bytes into digital video signals and for converting the decompressed digital video signals into analog video signals (i.e., within 500 of Figure 2 and see columns 5, lines 1-42); a third digital signal processor for converting analog audio signals into digital audio signals, for compressing the audio digital signals into audio bytes, for decompressing received audio bytes into audio digital signals, and for converting the decompressed digital audio signals into analog audio signals (i.e., 185 of Figure 2 and see columns 5, lines 1-23); means for periodically refreshing the transmitted video signals in thirty seconds (see Figure 2 of Kuzma); means for running multiple compression and decompression algorithms on all three digital signal processors (see columns 5-7 of Kuzma); means for randomizing data in order to maximize the efficiency of data transmission and means for de-randomizing data without introducing additional bit errors (see column 6, lines 9-37 of Kuzma); and means for selecting one of a plurality of video resolution and clarity modes wherein the video resolution modes include a low and high resolution mode and the video clarity modes include a low, intermediate, and high clarity mode (see column 6 of Kuzma).

Kuzma does not particularly disclose, though, the followings

(a) a solid state memory and means for emulating a disk access system of a computer using solid state memory components to store filed sequences with compression/decompression algorithm data as claimed in claims 19 and 29;

(b) transmitting and receiving compressed video and audio data signals over a rf link as claimed in claims 19 and 29; and

(c) a memory for storing a program connected to at least the audio digital signal processor, the memory comprising at least two audio conversion programs for converting audio at first and second respective rates, and means for automatically selecting one of the audio conversion programs in accordance with the data rate of the rf link as claimed in claims 29 and 30.

Regarding (a), Peters discloses a media editing system with adjustable source material compression as shown in Figure 1 and 9, and teaches the conventional use of a solid state memory and means for emulating a disk access system of a computer using solid state memory components to store filed sequences with compression/decompression algorithm data (see Figures 8 and 9, and columns 14-15). Therefore, it would have been obvious to one of ordinary skill in the art, having the Kuzma and Peters references in front of him/her and the general knowledge of memory storage means within video encoders/decoders, would have had no difficulty in providing the solid state memory and disk access system as shown in Peters for the video telephone system of Kuzma for the same well known storage purposes as claimed.

Regarding (b) and (c), Rostoker et al discloses a method and apparatus for compressing video and voice signals according to different standards as shown in Figure 1, and teaches the conventional RF transmission/reception of video and audio data (see Abstract, column 1, column 3, lines 50-58) and a memory (i.e., ROM 30 of Figure 1, and see column 3, line 15 to column 4, line 36) for storing a program connected to at least the audio digital signal processor, the memory comprising at least two audio conversion programs for converting audio at first and second respective rates. In addition, though Rostoker et al teaches the manual selection of audio rates in

accordance with the data rate of the rf link (see column 3, lines 37-58, column 4, lines 1-12), it is not invention to provide the automatic selection of one of the audio conversion programs as claimed (see In re Venner, 20 USPQ 192 (CCPA 1958)). Therefore, it would have been obvious to one of ordinary skill in the art, having the Kuzma and Rostoker et al references in front of him/her and the general knowledge of RF transmissions, would have had no difficulty in providing the RF transmission/reception of video data, the synchronization of frames for transmission over the rf link, a memory for storing a program connected to at least the audio digital signal processor, the memory comprising at least two audio conversion programs for converting audio at first and second respective rates, and means for automatically selecting one of the audio conversion programs in accordance with the data rate of the rf link as taught by Rostoker al for the video telephone system of Kuzma for the same well known transmission purposes as claimed.

7. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kuzma, Peters, and Rostoker et al as applied to claims 19, 20, and 23-30 in the above paragraph (6), and further in view of Schillaci et al of record (5,583,912).

The combination of Kuzma, Peters, and Rostoker et al disclose substantially the same narrowband video codec for transmitting and receiving compressed video and audio data signals as above, but does not particularly disclose a battery power supply with power supply voltage between 18 and 36 volts as claimed in claims 21 and 22. However, Schillaci et al discloses a wireless wireline communication selection mechanism resident in craftsperson's portable test and communications device as shown in Figures 1 and 2, and teaches the conventional use of a battery

power supply for the communications system (see column 2 and Figure 2). Therefore, it would have been obvious to one of ordinary skill in the art, having the Kuzma, Peters, Rostoker et al, and Schillaci et al references in front of him/her, would have had no difficulty in providing the battery power supply as taught by Schillaci et al with any desired power supply voltage including between the 18-36 volts as claimed for the video telephone system of Kuzma for the same well known purposes as claimed.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.

RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

11/19/01